

REMARKS

Appended hereto are: a new Statement Under 37 CFR 3.73(b) (Form PTO/SB/96), a Consent By Assignee (Form PTO/SB/53), and a Declaration by the Inventor (Form PTO/SB/51).

In Paragraph No. 1 of the Office Action, the application was objected to under 37 CFR 1.172(a) as lacking the written consent of all assignees owning an undivided interest in the patent. The Examiner stated that, in the instant application, there is no Assent of the Assignee (consent of Assignee - PTO/SB/53), and required a proper assent of the assignee in compliance with 37 CFR 1.172 and 3.73 in reply to the Office Action.

It is respectfully submitted that the Consent By Assignee (Form PTO/SB/53), appended hereto, overcomes the objection under 37 CFR 1.172(a) due to the lack of the written consent of all assignees owning an undivided interest in the patent, referred to in Paragraph No. 1 of the Office Action.

In Paragraph No. 1, the Examiner also stated that the original statement under 37 CFR § 3.73 (b) was improper because applicant had checked the 2 (A) box, but did not complete the reel and frame number, as required, and that since the assignment is of record in the PTO, the reel and frame number should be provided.

It is respectfully submitted that the new Statement Under 37 CFR 3.73(b) (Form PTO/SB/96), appended hereto, which is signed by Mr. Richard Horsnell, President of Search Mechanics, Inc. (authorized to act on behalf of the Assignee), provides the reel and frame number of the Assignment as recorded in the USPTO (Reel 014301, Frame 0406), indicated in the checked box 1(A), and thereby satisfies the requirements referred to in Paragraph No. 1 of the Office Action.

In Paragraph No. 2 of the Office Action, the application was objected to under 37 CFR 1.172(a) because the assignee had not established its ownership interest in the patent for which reissue is being requested. The Examiner stated that an assignee must establish its ownership interest in order to support the consent to a reissue application required by 37 CFR 1.172(a), and that the assignee's ownership interest is established by: (a) filing in the reissue application evidence of a chain of title from the original owner to the assignee, or (b) specifying in the record of the reissue application where such evidence is recorded in the Office (e.g., reel and frame number, etc.); and that the submission with respect to (a) and (b) to establish ownership must be signed by a party authorized to act on behalf of the assignee. The Examiner stated that an appropriate paper satisfying the requirements of 37 CFR 3.73 must be submitted in reply to this Office action.

It is respectfully submitted that the new Statement Under 37 CFR 3.73(b) (Form PTO/SB/96), appended hereto, which is signed by Mr. Richard Horsnell, President of Search Mechanics, Inc. (authorized to act on behalf of the Assignee), provides the reel and frame number of the Assignment as recorded in the USPTO (Reel 014301, Frame 0406), establishes the Assignee's ownership interest, and specifies where such evidence is recorded in the Office, and thereby satisfies the requirements referred to in Paragraph No. 2 of the Office Action.

In Paragraph No. 3 of the Office Action, the Examiner stated that the reissue oath/declaration filed with this application was defective because, in the instant application, removing subject matter from a claim (removing the term "unmodified"), regardless of the reason for the removal, requires an oath/declaration signed by the inventor, not by the assignee.

It is respectfully submitted that the Declaration by the Inventor (Form PTO/SB/51), appended hereto, which has been executed by the Inventor, Alan Perkins (not the Assignee), satisfies the oath/declaration requirement and overcomes the defective reissue oath referred to in Paragraph No. 3 of the Office Action.

In Paragraph No. 4 of the Office Action, claims 1-14 were rejected as being based upon a defective reissue oath under 35 U.S.C. 251 as set forth above.

It is respectfully submitted that the Declaration by the Inventor (Form PTO/SB/51), appended hereto, which has been executed by the Inventor, Alan Perkins (not the Assignee), overcomes the rejection of claims 1-14, based upon a defective reissue oath under 35 U.S.C. 251, referred to in Paragraph No. 4 of the Office Action.

Accordingly, in view of the foregoing explanations and remarks, it is respectfully requested that this amendment and accompanying documents be entered, and that claims 1-14 be allowed and that this application be passed to issue.

Respectfully submitted,



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